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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALICIA Y. RODRIGUEZ,
Plaintiff,

v.

CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. ED CV 15-0292 JCG

**MEMORANDUM OPINION AND
ORDER**

Alicia Y. Rodriguez (“Plaintiff”) challenges the Social Security Commissioner (“Commissioner”)’s decision denying her application for disability benefits. Specifically, Plaintiff contends that the Administrative Law Judge (“ALJ”) improperly rejected her credibility regarding her claim of debilitating shoulder, neck, and back injury. (*See* Joint Stipulation (“Joint Stip.”) at 2-13, 22-23.) For the reasons outlined below, the Court disagrees.

As a rule, an ALJ can reject a claimant’s subjective complaints by “expressing clear and convincing reasons for doing so.” *Benton ex rel. Benton v. Barnhart*, 331 F.3d 1030, 1040 (9th Cir. 2003). “General findings are insufficient; rather, the ALJ

1 must identify what testimony is not credible and what evidence undermines a
2 claimant's complaints." *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir. 1995) (citations
3 omitted).

4 Here, the ALJ provided three valid reasons for rejecting Plaintiff's credibility.

5 First, the objective medical evidence contradicted Plaintiff's allegations
6 regarding both the severity of her symptoms and her functional limitations. (*See*
7 Administrative Record ("AR") at 31); *see also Rollins v. Massanari*, 261 F.3d 853,
8 856-57 (9th Cir. 2001) (inconsistencies with objective evidence, when combined with
9 other factors, are valid reasons for rejecting a claimant's testimony). Such medical
10 evidence included, *e.g.*, (1) examination notes by Plaintiff's treating physician
11 revealing that Plaintiff's shoulder appeared unremarkable and displayed normal motor
12 strength; (2) medical tests, including an electromyogram and x-ray, showing normal,
13 unremarkable findings; and (3) post-surgical treatment notes stating that Plaintiff's
14 pain was lessened and she regained a "virtually full and unrestricted" range of motion
15 in her shoulder. (*See* AR at 31-33, 461, 467, 473, 476, 520, 526, 527, 535, 542); *see*
16 *also Lewis v. Astrue*, 238 F. App'x 300, 302 (9th Cir. 2007) (ALJ properly rejected
17 claimant's credibility in part because objective evidence, including normal motor
18 strength, contradicted claimant's alleged limitations); *Nemeth v. Colvin*, 2013 WL
19 5655556, at *2 (D. Ariz. Oct 17, 2013) (ALJ properly discounted claimant's testimony
20 in part because shoulder surgery improved claimant's pain and range of motion);
21 *Remick v. Astrue*, 2010 WL 3853081, at *6, *9-10 (C.D. Cal. Sept. 29, 2010) (ALJ
22 properly rejected claimant's credibility in part because objective medical evidence,
23 including normal electromyogram and x-rays, contradicted claimant's alleged
24 limitations).

25 Second, Plaintiff's conditions improved with treatment. (*See* AR at 476, 520,
26 535); *see also Warre v. Comm'r Soc. Sec. Admin.*, 439 F.3d 1001, 1006 (9th Cir. 2006)

1 (“Impairments that can be controlled effectively with medication are not disabling[.]”);
 2 *Douglas v. Astrue*, 2012 WL 4485679, at *23 (D. Or. Aug. 28, 2012) (ALJ properly
 3 rejected claimant’s subjective complaints of upper extremity pain in part because
 4 medications, including cervical epidural steroid injections given by specialist, afforded
 5 claimant relief). For example, treatment notes from specialists revealed that steroid
 6 injections were effective in alleviating Plaintiff’s pain in her shoulder, neck, and back.¹
 7 (See AR at 476, 520, 535.)

8 Third, Plaintiff’s daily activities – including preparing meals for her family² and
 9 performing household chores³ – were inconsistent with her allegation of complete
 10 disability. (See AR at 30-31, 133, 135); see also *Fair v. Bowen*, 885 F.2d 597, 604
 11 (9th Cir. 1989) (in discounting claimant credibility, ALJ may properly rely on daily
 12 activities inconsistent with disability claim, including claimant’s ability to cook meals
 13 and perform routine household chores). For instance, Plaintiff stated that she was able
 14 to sit for 90 minutes at a time before taking a break, and stand for 45 minutes to an
 15 hour while doing daily activities. (See AR at 30-31, 126, 132-35); see also *Gutierrez*
 16 *v. Comm’r Soc. Sec. Admin.*, 2014 WL 1225118, at *3 (D. Or. Mar. 24, 2014) (ALJ
 17 properly discredited claimant’s testimony in part because she was able to perform
 18 household chores, such as preparing meals for 45 to 90 minute periods, and cleaning
 19 and doing laundry for 45 minute periods, provided she took breaks).

22 ¹ Specifically, Dr. Clifford Bernstein, after a pain management consultation, noted that Plaintiff
 23 had “very good pain relief in the right side of her neck, shoulder, and right upper extremity”
 24 following a cervical epidural steroid injection. (AR at 476.) Also, Plaintiff told another specialist,
 Dr. John Witczak, that a recent corticosteroid injection had given her relief. (*Id.* at 535.)

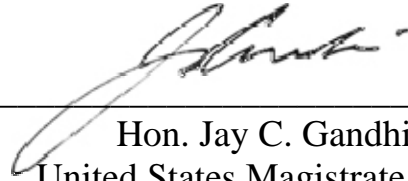
25 ² Plaintiff lives with her husband, their two children, and their two grandchildren, and testified
 26 that she would “prepare something for dinner for the kids[.]” (AR at 133.)

27 ³ Plaintiff testified that she would “clean the kitchen a little bit” before taking a break. (AR
 at 135.)

1 Accordingly, the Court finds that substantial evidence supports the ALJ's
2 decision that Plaintiff was not disabled. *See Mayes v. Massanari*, 276 F.3d 453, 458-
3 59 (9th Cir. 2001).

4 Based on the foregoing, **IT IS ORDERED THAT** judgment shall be entered
5 **AFFIRMING** the decision of the Commissioner denying benefits.

6
7 DATED: December 11, 2015

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9 
Hon. Jay C. Gandhi
United States Magistrate Judge

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12 **This Memorandum Opinion and Order is not intended for publication. Nor is it**
13 **intended to be included or submitted to any online service such as**
14 **Westlaw or Lexis.**

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